

Panaji, 4th December, 2015 (Agrahayana 13, 1937)

SERIES II No. 36

OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Corrigendum

No. 8/122/2015-16/Re-designation/D.Agri/205

Read: Order No. 8/122/2015-16/Re-designation/
/D.Agri/196 dated 04-11-2015.

In the above referred at Sr. No. 14 in column No. 2 the Budget Head of Shri Rajesh D'Costa may be read as "2401-00-109-05(NP)-01 Salaries" instead of "2401-00-001-01(01)NP".

By order and in the name of the Governor of Goa.

U. B. Pai Kakode, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 13th November, 2015.

Department of Education, Art & Culture

Directorate of Technical Education

Order

No. DTE/CAD/RTI/2012/2835

The undersigned is pleased to designate officials mentioned in Col. No. 3 as State Public Information Officer and Officials mentioned in Col. No. 4 as State Asst. Public Information Officer, in respect of Government and aided Technical Institutions mentioned in Col. No. 2, under administrative control of Directorate of Technical Education, as per provision of Section 5(1) and 5(2) of Right to Information Act, 2005.

Sr. No.	Name of the Institute	State Public Information Officer	State Asst. Public Information Officer	First Appellate Authority
1	2	3	4	5
1.	Goa College of Engineering, Farmagudi, Ponda-Goa	Mr. B. R. Kulkarni, Associate Professor	Mrs. Shanti Harding, Deputy Registrar	Dr. V. N. Shet, Principal.
2.	Goa College of Architecture, Altinho-Panaji-Goa	Mr. Suhas Gaonkar, Associate Professor	Mrs. Maria Dias Juliao, Head Clerk	Dr. Ashish Rege, Principal.
3.	Goa College of Art, Altinho-Panaji-Goa	Mr. Rajeev Shinde, Incharge of Department of Applied Art	Mr. Sushant Tandel, Librarian	Mr. Mahesh V. Vengurlekar, Principal.
4.	Goa College of Pharmacy, Panaji-Goa	Dr. M. P. Joshi, Professor	Dr. Yogita N. Sardessai, Associate Professor	Dr. Gopal Krishna Rao, Principal.
5.	Government Polytechnic, Altinho-Panaji-Goa	Mrs. Sandhya Belgaonkar, HOD	Mr. Harsha Falari, Lecturer	Mr. Luis M. Fernandes, Principal.

1	2	3	4	5
6.	Government Polytechnic, Maem-Bicholim-Goa	Ms. Anar Sangodkar, Lecturer	Mr. Rohan R. Naik, Lecturer	Mr. Subhash P. Borkar, Principal.
7.	Government Polytechnic, Curchorem-Goa	Mr. Praveen R. Kamat, H.O.D.	Mrs. Sharon Fernandes e Menezes, Sr. Lecturer	Mr. Ajit M. Gaonkar, Principal.
8.	Angel Polytechnic, Verna-Goa (Aided Institute)	Dr. Joseph X. Rodrigues, H.O.D.	Mr. S. N. Fernandes, Dy. Registrar	Mr. Subhash A. Lotliker, Principal.
9.	Institute of Shipbuilding Technology, Vasco-da-Gama (Aided Institute)	Mr. Satish Paliencar, H.O.D.	Mr. Prakash V. Nayak, Deputy Registrar	Mr. Gopal Midlagajni Principal.

This Order supersedes all earlier orders regarding the appointment of APIO, SPIO and First Appellate Authority in the above institutions.

Vivek B. Kamat, Director (Technical Education).

Porvorim, 18th November, 2015.

Directorate of Technical Education
Board of Technical Education

Order

No. BTE/GEN/BM/17 Vol-IV/2010/565

Undersigned in the capacity as Director of Technical Education and Chairman, Board of Technical Education, Goa State is pleased to reconstitute the "Special Committee" as below for dealing with malpractices in examinations, discrepancy in Question Paper etc.

1. Dr. P. S. Kinnerkar, MD, — Chairman.
Transweld Products, Panaji
2. Shri Leo Macedo, Controller — Member.
of Examinations, Goa University
3. Shri Shivkumar Jangam, — Member.
Secretary, Goa Board of
Sec. and Higher Secondary
Education, Porvorim
4. Smt. Donna D'Souza, Principal, — Member.
Institute of Hotel Management
& Applied Nutrition (GOI),
Porvorim
5. Shri M. S. Kamat, Ex-Principal, — Member.
MES College, Zuarinagar,
Vasco
6. Dr. M. K. R Prasad, Principal, — Member.
V. M. Salgaonkar, College of
Law, Miramar, Panaji
7. Shri Yogesh Bhobe, — Member.
Hon. Secretary, Institution of
Engineer (India), Government
Polytechnic, Campus,
Altinho, Panaji-Goa

8. Shri N.V. T. Pednekar, — Member
Secretary, Board of Technical
Education, Porvorim

The committee shall have the following functions:

1. To study the report of malpractice cases reported and to decide upon the penalties to be imposed.
2. To study the complaints of discrepancy in question paper and decide remedial measures to offset the problem, if any.
3. To look into errors in results reported and approve/decide the corrective action, if any.
4. Any other matter with respect to conduct of examinations and declaration of result.

The Committee shall have tenure of two years and treated as State Committee for the purpose of Travelling and Daily Allowances. Non-official members shall be eligible for travelling and daily allowances as admissible to Group A officers.

Vivek B. Kamat, Director (Technical Education)
& Chairman (Board of Technical Education).

Porvorim, 25th November, 2015.

Directorate of Art and Culture

Order

No. DAC-5-Estt-SL-LS/10/7398

Government of Goa is pleased to constitute a Committee consisting of the following Members under the Scheme "The Goa State Village Panchayat/NGO's Libraries Financial Assistance

Scheme - 2014 to categorize the various libraries aided by this department in the State of Goa.

1. Secretary (Art & Culture) — Chairman.
2. Director (Art & Culture) — Vice-Chairman.
3. Curator (Central Library) — Member.
4. Smt. Pia Rodrigues (Ex-Curator, Central Library) — Member.
5. Shri Shailesh Sanzgiri (President of Advisory Committee, Govt. Taluka Library, Curchorem) — Member.
6. Smt. Malini Bhide (Ex-Asstt. State Librarian, Central Library) — Member.
7. Smt. Sulaksha Kolmule (Sr. Librarian, State Central Library) — Member Secretary.

The Committee shall meet as and when required to scrutinize the inspection reports of libraries and recommend categorization of libraries.

The non-official members of the Committee shall be entitled for TA/DA as per the Government rules.

The term of Committee will be initially for a period of three years and will be extended if desired with the approval of the Government.

By order and in the name of the Governor of Goa.

Prasad Lolayekar, Director & ex officio Additional Secretary (Art & Culture).

Panaji, 23rd November, 2015.

Order

No. DAC/Accts/Comm.TA/2015-16/7467

In exercise of the powers conferred under Clause 10 (h) of the Constitution of Tiatr Academy, Panaji-Goa, the Government is pleased to nominate Shri John D'Silva (Joao Francisco Silva), H. No. 17/B, Oilemmoll, St. Jose D'Areal, Curtorim, Salcete, Goa in place of Shri Teutonio D'Costa since he has shown his inability to join as Member on General Council of Tiatr Academy, Panaji-Goa with immediate effect.

By order and in the name of the Governor of Goa.

Prasad Lolayekar, Director & ex officio Additional Secretary (Art & Culture).

Panaji, 24th November, 2015.

Order

No. DAC/Accts/RGKM/Committee/2013/7549

In exercise of powers conferred under Clause 5 of the constitution of Rajiv Gandhi Kala Mandir, Ponda, Goa, the Government is pleased to nominate Shri Lavoo Mamledar, Durgabhat, Ponda, Goa as the Chairman of Rajiv Gandhi Kala Mandir, Ponda-Goa with effect from 01-01-2016.

By order and in the name of the Governor of Goa.

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 26th November, 2015.

Order

No. DAC/Accts/RGKM/Committee/2013/7550

In exercise of powers conferred under Clause 5 of the constitution of Rajiv Gandhi Kala Mandir, Ponda, Goa the Government is pleased to nominate Shri Ajit Kerkar, Bandora, Ponda, Goa as the Vice-Chairman of Rajiv Gandhi Kala Mandir, Ponda-Goa, with effect from 01-01-2016.

By order and in the name of the Governor of Goa.

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 26th November, 2015.

Order

No. DAC/Accts/RGKM/Committee/2013/7551

In exercise of powers conferred under Clause 9(iv) of the constitution of Rajiv Gandhi Kala Mandir, Ponda, Goa, the Government is pleased to nominate below mentioned individuals as Members on General Council of Rajiv Gandhi Kala Mandir, Ponda-Goa with effect from 01-01-2016.

1. Shri Ajay Buva.
2. Shri Ashok Naik.
3. Shri Sunil Bhomkar.
4. Shri Nitin Kolvekar.
5. Shri Gaurish Vinayak Kolvekar.
6. Shri Shrikant Satarkar.
7. Shri Shirish Ganpat Desai.
8. Shri Vilas Bicholkar.
9. Mrs. Sufala Anay Velip.
10. Shri Tushidas Das Kavlekar.

By order and in the name of the Governor of Goa.

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 26th November, 2015.

Office of the Secretary (Archives and
Archaeology)

Notification

No. 1/11/2011/Part IV/CS-1268

Sub.: Reis Magos Heritage Centre—Appointment
of Member of the Governing Council and
Managing Committee—Orders issued.

- Ref.: 1. MOU dated 02-03-2007 made between the
Government of Goa, Indian National Trust
for Art and Cultural Heritage (INTACH)
& Helen Hamlyn Trust (HHT).
2. Rules and Regulations of the Reis Magos
Heritage Centre.

Whereas, the Government, INTACH and HHT
have agreed to restore the Reis Magos Fort and
put it into use as a Heritage and Cultural Centre,
and,

Whereas, towards this purpose, a Registered
Society, viz. Reis Magos Heritage Centre was
registered vide No. 1166/Goa/2011 under Societies
Registration Act, 1860.

Whereas, under Clause 9 and Clause 13 of the
Rules and Regulations of the Society, the
Government of Goa hereby appoints the Governing
Council and Managing Committee respectively as
follows:-

- | | | |
|--|---|----------------------|
| 1. Smt. Sanisha Satish
Toraskar, Dando, Siolim,
Bardez-Goa | — | Chairperson. |
| 2. Secretary (Archives &
Archaeology) | — | Member. |
| 3. Director (Archives &
Archaeology) | — | Member
Secretary. |
| 4. Dr. Fatima Gracias,
Representative of INTACH | — | Member. |
| 5. Shri Mahadev V. Naik,
1311-B, Bamonwado,
Siolim, Bardez-Goa | — | Member. |
| 6. Mrs. Dipti D. Salgaoncar,
Salgaoncar House, Dr. F.
Gomes Road, Vasco-da-Gama,
Goa, 403 802 | — | Member. |
| 7. Shri Amrut Shirodkar,
Lopeswaddo, Verla,
Canca, Bardez-Goa | — | Member. |
| 8. Mrs. Perna Mainkar
Piyush Niwas, Nr. R. R.
Residency, Succor,
Porvorim-Goa | — | Member. |

- | | | |
|---|---|---------|
| 9. Shri Menin D'Cruz
Mala, Fontainhas,
Panaji-Goa | — | Member. |
| 10. Mrs. Gauri D. Dessai,
06, Aggniwaddo, Guirim,
Porvorim, Goa | — | Member. |
| 11. Shri Eli Furtado,
Consulting Civil Engineer,
Bldg. No. 2, Flat G4,
Madhuban Hsg. Co-op
Society, St. Inez,
Panaji-Goa | — | Member. |
| 12. Ms. Shobita Punja,
Representative of Helen
Hamlyn Trust | — | Member. |
| 13. Shri Sanjit Rodrigues,
M.D., GSIDC | — | Member. |

Managing Committee:

- | | | |
|---------------------|---|--|
| 1. Chairperson | — | Mrs. Sanisha Satish
Toraskar. |
| 2. Vice-Chairperson | — | Shri Mahadev V. Naik. |
| 3. Member Secretary | — | Director (Archives &
Archaeology). |
| 4. Treasurer | — | Shri Menin D'Cruz. |
| 5. Member | — | Shri Sanjit Rodrigues,
M.D., GSIDC. |

The term of office of the members of the
Managing Committee shall be for a period of
3 years from the date of their appointment.

By order and in the name of the Governor of
Goa.

Virendra Kumar, IAS Secretary (Archives &
Archaeology).

Porvorim, 13th November, 2015.

Department of Forest

Order

No. 4-2-2001-02/FOR(A)/283

Read: Government Order No. 4-2-2001-02/FOR
dated 16-02-2012.

Whereas, on recommendation of the Departmental
Promotion Committee as conveyed by the Goa
Public Service Commission vide their letter
No. COM/II/11/22(1)/2011/324 dated 30-12-2011,
one Range Forest Officer viz. Shri Raju B. Dessai
was promoted to the post of Assistant Conservator
of Forest, Forest Department on regular basis with
immediate effect vide Order read at preamble;

And whereas, the name Shri Santosh H. Phadte, Range Forest Officer was not recommended by the Departmental Promotion Committee since disciplinary proceedings were pending against him and the findings of the DCP were kept in sealed cover;

And whereas, vide Order No. 1-II-19(141) 2010-15/2195 dated 24-07-2015, the Disciplinary Authority after careful examination of the Inquiry Report and other related issues, dropped the charges levelled against Shri Santosh H. Phadte, Range Forest Officer;

And whereas, in pursuance to the above Order dated 24-07-2015, the sealed cover was opened, wherein Shri Santosh H. Phadte was recommended for promotion to the post of Assistant Conservator of Forest;

Now therefore, on the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/22(1)/2011/1162 dated 18-08-2015, Government is pleased to promote Shri Santosh H. Phadte, Range Forest Officer to the post of Assistant Conservator of Forest, Forest Department, Group "B" Gazetted in the pay scale of Rs. 9,300-34,800+ GP: Rs. 4,600/- on regular basis notionally with effect from 16-02-2012 and place him above Shri Raju Dessai in the Order dated 16-02-2012.

Shri Santosh H. Fadte shall be on probation for a period of two years. He shall exercise the option for pay fixation within a period of one month from the date of issue of Order.

The posting Order of Shri Santosh H. Phadte shall be issued separately.

By order and in the name of the Governor of Goa.

Neela Dharwadkar, Under Secretary (Forests).
Porvorim, 20th November, 2015.

◆◆◆
Department of Labour

--
Notification

No. 28/1/2015-Lab/Part-I/948

The following award passed by the Labour Court-II at Panaji-Goa on 17-08-2015 in reference No. LC-II/IT/16/09 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Labour).
Porvorim, 20th October, 2015.

**IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI**

**(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)**

Case No. Ref. LC-II/IT/16/09

Shri Manuel D'Cruz,
R/o, 198 BC, Beach Road,
Bogmalo-Goa ... Workman/Party I.

V/s

M/s. Bogmalo Beach Resort,
Bogmalo-Goa ... Workman/Party II.

Workman/Party I present in Person.

Employer/Party II represented by Adv. M. S. Bhandodkar.

Panaji, Dated: 17-08-2015.

AWARD

1. In exercise of the powers conferred by Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by Order dated 22-12-2009, bearing No. 28/31/2009-LAB, referred the following dispute for its adjudication by the Industrial Tribunal of Goa. The Presiding Officer, Industrial Tribunal cum Labour Court thereafter assigned the present dispute to the Labour Court-II vide her Order dated nil.

- "(1) Whether Shri Manuel D'Cruz, Assistant Manager, can be construed as "Workman" as per clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) if the answer to the issue No.(1) above is in the affirmative, then, whether the action of the management of M/s. Bogmalo Beach Resort, Bogmalo, Goa, in terminating the services of Shri Manuel D'Cruz, Assistant Manager, with effect from 02-02-2009, is legal and justified?
- (3) If the answer to the issue No. (2) above is in the negative then, to what relief the workman is entitled?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/16/09 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short, 'Workman'), filed his Statement of Claim on 28-01-2010 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that he was working with the Employer hotel from 28-12-1995

and resigned on 31-08-2006. He stated that he was issued a letter dated 21-08-2008 demoting to 'poen' and was forced to sit out. He submitted that since he has been designated as "POEN" as per letter dated 21-08-2008, he is a workman within the meaning of Section 2 (s) of the I.D. Act, 1947. He denied that he was working as 'Accounts Manager' after 21-08-2008 and his consolidated salary was Rs.15,950/- as stated by the Employer. He stated that after 17-04-2008, he was not issued any extension of probation period in terms of appointment letter issued to him, hence his services are deemed to be confirmed.

3. He stated that on 02-09-2008, he was issued a show-cause notice by Mr. Valigno D., without any designation and a person not forming part of management. He stated that since 01-09-2008, one Mr. Desmond D. was occupying the office of Accounts Manager, whilst he was ordered to sit in the Accounts office as Poen, thereby losing all powers as head of department. He submitted that his services were suspended on 16-09-2008 by Valigno D. without any designation. He submitted that he complained to the Asstt. Labour Commissioner, Vasco on 22-09-2008, as his services were suspended indefinitely on fictitious charges. He submitted that his services were terminated by the Employer, vide its letter dated 02-02-2009. He submitted that his services were terminated without conducting any enquiry and adhering to the principles of natural justice. He therefore submitted that the termination of his services w.e.f. 02-02-2009 is illegal, unjustified and bad-in-law. He submitted that he is unemployed till date with no earning member in the family and is desperate to join the work and in need of money. He therefore prayed that the termination letter dated 02-02-2009 be treated as null and void and he be ordered to be reinstated in service with full back wages and continuity in service.

4. The Employer resisted the claim of the Party I by filing its written statement on 08-04-2010 at Exb. 5. The Employer, by way of preliminary objection submitted that the entire reference is bad-in-law and not maintainable as the Party I is not a 'Workman' within the meaning of Sec. 2 (s) of the I.D. Act, 1947. The Employer stated that the Party I was employed as an 'Accounts Manager', who headed the department and was in-charge of the said Accounts department. The Employer stated that the duties of the Party I were of administrative, managerial and /or supervisory in nature. The Employer stated that the Party I was drawing a salary of more than Rs.7,500/- p.m. The Employer stated that the Party I

clearly admitted and made a prayer in his claim statement that he be reinstated with continuity in service as "Head of Accounts Department", which was his designation prior to his alleged termination. The Employer submitted that this clearly an admission on the part of the Party I that he was working in the post of Accounts Manager.

5. The Employer stated that the Party I joined in their services on 17-10-2007 as an 'Accounts Manager'. The Employer admitted that the Party I had complained before the Asstt. Labour Commissioner, Vasco on 22-09-2008. The Employer stated that however, the Asstt. Labour Commissioner, after going through its contention as well as the contention of the Party I, closed the matter/file as there was no case for the Party I, since he was suspended pending enquiry, which is in the administrative decision of the management of the Employer and which is fully legal and justified. The Employer submitted that the suspension pending enquiry is not the dispute under the Industrial Disputes Act, 1947 and therefore the ALC, Vasco has rightly closed the said matter. The Employer submitted that after suspension of Party I, though they were not supposed to, the Employer has correctly paid subsistence allowance to him. The Employer denied that the Party I was harassed, mentally tortured or threatened with dire consequences at any point of time. The Employer denied that the Party I was locked out of his office and was asked to sit in the Accounts department as a peon. The Employer stated that there is no such post of peon in their establishment. The Employer denied that it has not issued any letter dated 21-08-2008 to the Party I demoting him to the post of peon or that such letter was signed by an unauthorized person not forming part of the management. The Employer denied that the proper procedure was not followed or that the principles of natural justice have been violated. The Employer stated that an enquiry was conducted and the Party I was given full and fair chance to participate in the said enquiry. The Employer submitted that Party I has not made out any case for granting any relief much less the relief of reinstatement with full back wages and continuity in service. The Employer therefore prayed for the rejection of the entire reference.

6. Thereafter, the Party I filed his Re-joinder on 04-05-2010 at Exb.8. The Party I, by way of Re-joinder confirms and reiterates all his submissions, averments and statements made in his Claim Statement to be true and correct and

denied all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to his statement and averments made in his Claim Statement.

7. Based on the pleadings filed by the respective parties, this court framed the following issues on 03-06-2010 at Exb.12.

1. Whether the Workman/Party I proves that he is a "Workman" as defined under Section 2 (s) of the Industrial Disputes Act, 1947?
2. Whether the Workman/Party I proves that the action of the Employer/Party II in terminating his services w.e.f. 02-02-2009 is illegal and unjustified?
3. Whether the Employer/Party II proves that being an 'Accounts Manager' the Workman/Party I was performing the duties of administrative, managerial and/or supervisory nature and was drawing a salary of more than Rs. 7,500/- per month?
4. Whether the Workman/Party I proves that he is entitled for any relief?
5. What Award? What Order?

8. My answers to the aforesaid issues are as under:

- Issue No. 1 : In the negative.
 Issue No. 2 : Does not arise.
 Issue No. 3 : In the affirmative.
 Issue No. 4 : and 5: As per final order.

REASONS

9. *Issue Nos. 1 and 3:* I am deciding the issue No.1 and 3 together as both the said issues are co-related to each other.

Both the parties chose to file their synopsis of written arguments respectively. I have carefully perused the entire records of the present case. I have also carefully considered the synopsis of written arguments filed by the respective parties.

10. The Party I contended that he is a 'workman' within the meaning of Section 2(s) of the I.D. Act, 1947. The Employer denied that the Party I is a 'workman' within the meaning of Section 2(s) of the I.D. Act, 1947 and submitted that at the time of termination of his services, the Party I was designated as 'Accounts Manager' and predominately performing the duties of supervisory, administrative and managerial in nature and drawing a salary of more than Rs. 7,500/- p.m. It is therefore necessary to go through the definition of 'Workman' as defined under the I.D. Act, 1947.

Section 2 (s) of the I.D. Act, 1947 defines the term 'workman' and it means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has led to that dispute, but does not include any such person

- (1) *who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or*
- (2) *who is employed in the police service or as an Officer or other employee of a prison or*
- (3) *who is employed mainly in a managerial or administrative capacity*
- (4) *who, being employed in a supervisory capacity draws wages exceeding Rs. 1,600/- per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."*

11. Thus, from the bare reading of definition of "Workman" under the I. D. Act, 1947, it is clear that in order to prove the concerned employee is a 'Workman' or not within the meaning of the said act, he/she must prove that he/she was employed in an 'Industry' as defined under the said Act and secondly he/she was employed to perform any of the work such as to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward and that it is not sufficient to prove that the concerned employee was not falling in any of the exceptional category i.e. administrative, managerial and/or supervisory in nature and drawing a salary of more than Rs.7,500/- p.m.

12. In the case of **Management of M/s. Sonepat Co-op. Sugar Mills Ltd. v/s. Ajit Singh, reported in 2005 LLR 309**, of Hon'ble Supreme Court of India, the Respondent was employed as Legal Assistant. He was not only used to render legal opinions on a subject, but also drafting the pleadings on behalf of the Appellant's Society besides representing before various courts/authorities. The Hon'ble Court held that the said job is not stereo type, but it involved creativity in

performing the said job. The Hon'ble Court has held that such a job, would not make him a 'workman' as defined under section 2 (s) of the I.D. Act, 1947. The Hon'ble Apex Court further observed as under:

"A person who performs one or the other jobs mentioned in the aforementioned provisions only would come within the purview of definition of workman. The job of a clerk ordinarily implies stereotype work without power of control or dignity or initiative or creativeness. The question as to whether the employee has been performing a clerical work or not is required to be determined upon arriving at a finding as regard the dominant nature thereof. With a view to give effect to the expression to do "any manual, unskilled, skilled, technical, operational, clerical or supervisory work" the job of the concerned employee must fall within one or the other category thereof. It would, therefore, not be correct to contend that merely because the employee had not been performing any managerial or supervisory duties, ipso facto he would be a workman".

13. In the case of **Burmah Shell Oil Storage and Distributing Co. of India Ltd. V/s The Burmah Shell Management Staff Association (I.D. Act 545), reported in 1971 A.I.R. S.C. 922**, the Hon'ble Supreme Court of India has held that *"for an employee to be workman under the definition of workman in section 2 (s) of the Act it is manifest that he must be employed to do skilled or unskilled, manual work, supervisory work, technical work or clerical work. If the work done by an employee is not of such a nature, he would not be a workman"*.

The Hon'ble Apex Court, has relied upon its earlier judgment in the case of **Anand Bazar Patrika (P.) Ltd. v/s. its Workmen**, wherein it has been held that *"The principle which should be followed in deciding the question whether a person is employed in a supervisory capacity or on clerical work is that if a person is mainly doing supervisory work but incidentally or for a fraction of the time also does some clerical work, it would have to be held that he is employed in supervisory capacity and conversely, if the main work done is of clerical nature, the mere fact that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity"*.

14. In the case of **Ganesh Prasad Pande v/s. K.W. Thakre & Anr., reported in 1999 I CLR 78**, before the Hon'ble High Court of Bombay, the Petitioner was employed as 'Accountant'. Upon termination of his service the Petitioner raised an industrial dispute before the Labour Court. The Respondent raised a plea that the Petitioner was a supervisor and not a 'workman'. The Labour Court on appreciation of evident held that the Petitioner is not a 'workman' as defined u/s. 2 (s) of the I.D. Act, 1947. The Petitioner challenged the award of the Labour Court, Bombay before the Hon'ble High Court of Bombay. While dismissing the writ petition filed by the Petitioner, the Hon'ble High Court of Bombay has held that *"over all duties required to be discharged by the petitioner-employee are clearly indicative of the fact that petitioner was supervising accounts section of the factory division of which he was head, that there is no error in Labour Court holding that he was not 'workman' under Sec. 2 (s) of the I.D. Act and that there is nothing to interfere with the order of the Labour Court."*

16. In the case of **Vilas Dumale v/s. Siporex India Ltd and Anr., reported in 1998 LLR 380**, the Hon'ble High Court of Bombay has relied upon a judgment of Hon'ble Apex Court, in the case of **S.K. Maini v/s. M/s. Carona Sahu Co. Ltd. and Ors., (1994 (68) FLR 1101)**, wherein it has been observed that *"whether or not an employee is a 'workman' under Sec. 2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and materials on record and it is not possible to lay down any strait-jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of the workman under Section 2 (s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organizations quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee is not of much importance and what is important is the nature of duties being performed by the employees. The determinative factor is the main duties of the concerned employee and not some works incidentally done. In other words, that is, in substance, the work which employee does or what*

in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of workman as defined in Section 2 (s) of the Industrial Disputes Act, 1947”.

16. In the case of **Prakash Talkies, Badaun v/s. State of Uttar Pradesh and others, reported in 2003 LLR 1133**, the Hon'ble High Court of Allahabad in para 5 of its judgment has observed as under

“5. The view, by now is well settled, that mere nomenclature of the post is not a determinative factor, but substantial part or the main nature of the work performed, the responsibilities of the post, whether the employee could take independent decisions and bind the establishment etc. are some factors which have to be considered before concluding whether an employee is a workman or not. The contention of the Ld. Counsel for the Respondent Workman is, therefore correct. However, it would have to be seen and examined as to what was the nature of the work performed and the responsibilities of the post held by the Respondent Workman.”

17. In the case of **Somnath Bhat v/s. Khanijau Industries Engineering (P) Ltd. (Now known as Luxor Writing Instruments Ltd.) & Anr., reported in 2013 LLR 912**, before the Hon'ble High Court of Delhi, the Petitioner was designated as 'Personnel Manager'. He was performing the duties of supervisory and managerial in nature. The Hon'ble High Court, therefore, held that the Petitioner was not a 'workman'.

Thus, from the aforesaid series of judgments of Hon'ble Apex Court as well as Hon'ble High Courts, it is now well established that whether a concerned employee is a 'workman' or not under the I.D. Act, 1947, depends upon his predominant nature of duties and responsibilities, which he was performing just before the termination of his services. It is further well settled principle of industrial jurisprudence that in order to become a 'workman' under the I.D. Act, 1947, the concerned employee shall prove that he must be employed to do the work either manual, skilled or unskilled,

clerical, technical, operational or supervisory in nature and it is not enough that he was not doing any administrative, managerial and/or supervisory work”.

18. In order to prove his case, the Party I has examined himself. The Party I, in his statement of claim filed in the present proceedings pleaded that he was demoted as 'poen' by the Employer, vide its letter dated 21-08-2008 and as such he is a 'Workman' within the meaning of Sec. 2 (s) of the I.D. Act, 1947. The Party I also deposed the said fact in his affidavit in evidence. The Party I has however, unable to produce on record the said letter of the Employer dated 21-08-2008, by which he has been allegedly demoted as 'peon' and though he was asked to produce the same by Ld. Adv. Shri M. S. Bandodkar, during the course of his cross-examination. On the contrary, the Party I, in his cross-examination admitted that in his reply dated 04-09-2008 (Exb. E/1-cross) to the show-cause notice dated 02-09-2008, he has stated that he was working as 'Accounts Manager' since 17-10-2007. In view of above, I do not find any substance of merit in the submission of the Party I that he was demoted as 'poen' by the Employer vide its letter dated 21-08-2008. Hence, it is held that the Party I has failed to prove that he was demoted as 'poen' by the Employer vide its letter dated 21-08-2008.

19. It is submitted that mere designation or nomenclature is immaterial in deciding the concerned employee is a 'workman' or not within the meaning of Section 2 (s) of the I.D. Act, 1947, but what is material is the pre-dominant nature of duties and responsibilities, which the concerned employee was performing just before the termination of his services. The Party I has however, neither pleaded nor stated on oath in his affidavit in evidence filed in the present proceedings about the predominant nature of his duties and responsibilities, which he was performing just before the termination of his services nor substantiated his claim by any documentary evidence.

20. On the contrary, the Party I, in his cross-examination admitted that he was working for the Employer hotel for the period starting from 17-10-2007 till the date of his termination of services w.e.f. 02-02-2009 as 'Accounts Manager' and that no confirmation letter in writing was given to him at any time, while he was in the employment of the Employer. He admitted that he was issued a copy of the appointment order in original by the Employer, subsequent to his

appointment and that he has not produced his appointment letter in the present proceedings. He admitted that when he joined in the services of the Employer, he was appointed as 'Financial Controller', but he was designated as 'Accounts Manager'. He admitted that the duties of the Financial Controller and the Accounts Manager were same. He admitted that he was reporting to the General Manager of the Employer at the relevant time. He deposed that he did not receive any confirmation letter confirming him in services of the Employer in the post of Accounts Manager and that he had worked for eleven months from the date of his appointment till the date of his suspension with the Employer. He admitted that store section, purchase section, recovery section, F & B store of the Employer were coming under the Accounts department.

21. The Party I, during the course of his cross-examination further admitted the following duties which he was performing as 'Accounts Manager' of the Employer hotel that he was responsible to take care of all confidential papers and other signed documents, he used to interact with the Managing Director of the Employer Mr. Mittal. He had sent number of mails to the Managing Director of the Employer as an Accounts Manager in connection with finance or other works. All the debit vouchers (Exb. 37-colly, Exb. 38 and Exb. 39) prior 21-08-2008 used to come for his approval as Financial Controller and he has signed the same. He has signed five form No. 16-A (Exb. 43-colly) i.e. certificate of deduction of tax at source under Section 203 of the Income Tax Act, 1961 as an Authorized Signatory of the Employer. He has submitted the bills (Exb. 44 and Exb. 45-colly) to the various customers of the Employer for its payment. He has signed the vouchers (Exb. 46-colly) as approved for payments. He has sanctioned the leave of the employees of the Employer on the leave applications (Exb. 48-colly). Each departmental head is empowered to supervise and control the employees in their respective department. As an Accounts Manager, his duties and responsibilities were for accounting and financial control functions of the Employer hotel. He was responsible for giving proper financial accounts to the General Manager of the Employer hotel. He was also responsible for monitoring, controlling, recording of sales and salaries and expenses of the Employer hotel. He was also forecasting the budgeting of the finance. He was reporting to General Manager pertaining to cash planning and review of cash position on monthly basis. The purchase order

prepared by the concerned clerk in the said department would come for verification to the Accounts Manager along with copy of bill and payment voucher for its verification and that after the Accounts Manager approves the said bill/ /purchase order for its payment by signing the said purchase order, the same would be sent to the General Manager for his signing. He admitted that as an Accounts Manager of the Employer hotel, he was working in managerial, administrative and supervisory capacity.

22. In his cross-examination, the Party I further deposed that the Accounts Executive working in the accounts department of the Employer were reporting to him. That besides the Accounts Executive, there were six employees designated as 'trainees', also used to report to him at the relevant time. He used to clarify all the queries pertaining to the day to day functioning of the Employer hotel. He used to interact with the Managing Director of the Employer not only pertaining to his queries of finance, but also day to day functioning of the Employer hotel. That the payment vouchers were prepared in the Accounts department were first sent to its Accounts Executive for his verification and thereafter the same vouchers along with cheques were sent for his verification. That he was sending mails to the Managing Director of the Employer pertaining to the daily basis sale revenue of the hotel and that as an Accounts Manager, his last drawn salary was Rs. 25,000/- p.m.

23. On the contrary, the Employer has pleaded that the Party I is not a 'workman' within the meaning of Sec. 2 (s) of the I.D. Act, 1947 as he was employed as an 'Accounts Manager', who headed the department and was in-charge of the said Accounts department. The Employer pleaded that the duties of the Party I were of administrative, managerial and/or supervisory in nature and he was drawing a salary of more than Rs.7,500/- p.m. In support of their pleadings, the Employer has examined its Accounts Manager, Shri Harman Teles. The said witness of the Employer, in his affidavit-in-evidence deposed more or less the same duties as admitted by the Party I during the course of his cross-examination. In support of its oral evidence, the Employer has produced on record documentary evidence such as letter of appointment of the Party I as Accounts Manager (Exb. E/2-cross), payment vouchers (Exb. 37-colly, Exb. 38, Exb.39, Exb.46-colly) petty cash approval for payment vouchers (Exb. 40-colly, Exb. 41, Exb. 42-colly), certificate of deduction of tax at source in prescribed form No. 16-A (Exb. 43-colly),

various bills submitted to the parties (Exb. 44, Exb. 45-colly), purchase order (Exb. 47-colly), 9 leave applications of the employees working in accounts department (Exb. 48-colly), extract of attendance register (Exb. 49-colly), payment vouchers (Exb. 50-colly (cross), Exb. 51-colly (cross), Exb. 52-colly (cross), Exb. 53-cross, Exb. 54-colly (cross), notices (Exb. 55-colly (cross), pay slips of the Party I (Exb. 63-colly (cross), extract of attendance register Exb. 65-colly (cross) etc. The said witness of the Employer was cross-examined in length partly by Ld. Adv. Shri P. Agarwal appearing for the Party I as well as partly by Party I in person, however, his testimony remained unshaken.

24. Thus, from the oral as well as documentary evidence adduced by both the parties on record indicates that the Party I was appointed as 'Accounts Manager', vide letter of appointment dated 17-10-2007 (Exb. E/2 (cross) and his monthly earned wages was fixed at Rs. 15,950/- besides other allowances and benefits such as LTA, ex-gratia and medical. The evidence on record indicates that at the time of termination of services of the Party I, his last drawn salary was Rs. 25,000/- p.m. The evidence on record further indicates that as an 'Accounts Manager' of the Employer hotel, the Party I was predominantly made responsible and performing the duties such as supervising and controlling all the employees working under him, he was recommending and sanctioning leave of the employees working under him and also supervising the attendance of all the employees, to ensure and monitor, control and record all sales, purchases, salaries and expenses of the Employer hotel, to ensure the preparation of comprehensive monthly report of the entire financial result of the hotel in established corporate formats and in accordance with generally accepted accounting principles, to review the status of accounts receivable aging and monitor billing and collection, to ensure the financial resources of the Employer hotel are utilized properly, to assist the General Manager pertaining to spending of money on particular heads, was having authority to approve and sign various instruments, vouchers etc. which are required to be paid to various parties including employees of the Employer Company, he was authorized to sign and approve the demand vouchers as an authorized signatory which were required for making payments to the vendors of the employer, he was also signing as authorized

signatory for the certificate of deduction of tax at source in the prescribed form No. 16-A, he used to sign and display various notices on behalf of Employer including crediting the salaries in the accounts of the employees, he was having authority to sign petty cash vouchers and other payments for approval of payments, he was sanctioning and approving the leave of all the persons working under him, he was verifying the attendance of the employees working in his department. In my considered opinion, all the aforesaid predominant nature of duties performed by the Party I as an Accounts Manager of the Employer are administrative, managerial and supervisory in nature and he was drawing a salary of Rs. 25,000/- p.m. at the time of termination of his service, which fact he has admitted in his cross examination by the Ld. Advocate for the Employer. Hence, it is held that the Party I failed to prove that he was performing the duties of either manual, skilled, unskilled, technical, operational, clerical and supervisory in nature and as such the Party I do not fall within the purview of meaning of 'workman' as defined u/s. 2 (s) of the I.D. Act, 1947. The issue No. 1 is therefore answered in the negative and the issue No. 3 is answered in the affirmative.

25. *Issue Nos. 2 and 4:* While deciding the issue no.1 herein above, I have come to the conclusion and held that the Party I is not a 'workman' within the meaning of Section 2 (s) of the I. D. Act, 1947. In the circumstances, the question of deciding the issue No. 2 as to whether the Workman/Party I proves that the action of the Employer/Party II in terminating his services w.e.f. 02-02-2009 is illegal and unjustified, does not arise. Consequently, the Party I is not entitled to any relief from this Labour Court II. The issue No. 2 and 4 is therefore answered accordingly.

In view of above I proceed to pass the following order:

ORDER

1. It is held that the Party I, Shri Manuel D'Cruz, Accounts Manager is not a 'workman' as defined u/s 2(s) of the I.D. Act, 1947.
2. It is further held that consequently the dispute as to whether the action of the management of M/s. Bogmallo Beach Resort, Bogmalo, Goa, in terminating the services of Shri Manuel D'Cruz, Assistant Manager, with effect from 02-02-2009 is legal and justified, does not survive.

3. It is further held that the Party I, Shri Manuel D'Cruz, is not entitled to any relief.
4. No order as to costs.
5. Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar)
Presiding Officer,
Labour Court II.

◆◆◆

Department of Law & Judiciary

Law (Establishment) Division

—

Certificate of Practice

No. 8-7-2014-LD(Estt)(36)/2446

In partial modification of Certificate of Practice dated 28-02-2014 issued under the provisions of Notaries Act, 1952 (Central Act 53 of 1952) and the Notaries Rules, 1956 made thereunder, Government of Goa is pleased to extend the area of practice as a Notary of Ms. Rupali Govind Panashekar to Tiswadi Taluka, under Rule 8A of the Notaries Rules, 1956, with immediate effect.

By order and in the name of the Governor of Goa.

Amul S. Gaunker, Under Secretary (Estt.).

Porvorim, 19th November, 2015.

◆◆◆

Department of Mines

Directorate of Mines & Geology

—

Order

No. 01/72/ADM/2005/MINES/PART-I/3471

In pursuance of Section 5 of Right to Information Act, 2005 (Central Act No. 22 of 2005) Shri Deepak Mayenkar, Assistant Geologist Directorate of Mines & Geology is hereby designated as State Assistant Public Information Officer.

The Director of Mines & Geology is First Appellate Authority under the said Act against the decision of the State Public Information Officer and State Assistant Public Information Officer as far as the Directorate of Mines & Geology is concerned.

This supersedes earlier Order No. 01/72/ADM/2007/Mines/1583 dated 23-08-2010.

Prasanna A. Acharya, Director (Mines & Geology).

Panaji, 20th November, 2015.

Department of Official Language

Directorate of Official Language

—

Order

No. 1/63/2015/DOL/Adm/DSC/DPC/1020

The Government is pleased to reconstitute the Departmental Selection Committee/Departmental Promotional Committee for Group 'C' and Group 'D' posts in the Directorate of Official Language is as under with immediate effect.

- 1) Head of Department/ — Chairman.
/ex officio Joint Secretary
- 2) Assistant Director (Konkani)/ — Member.
/Head of Office
- 3) Under Secretary (Personnel) — Member.

By order and in the name of the Governor of Goa.

Dr. Prakash Vazrikar, Director & ex officio Joint Secretary (Official Language).

Panaji, 24th November, 2015.

Order

No. 1/63/2015/DOL/Head of Office/1114

In exercise of the powers conferred to me, as Head of the Department under Rule 13 of the Goa Delegation of Financial Power Rules, 2008 and with the approval of the Secretary, Official Language, I hereby declare Shri Anil H. Sawant, Assistant Director (Konkani) as Head of Office for the Directorate of Official Language with immediate effect.

This issues with the approval of the Secretary (Official Language) vide U.O. No. 6270/F dated 16-10-2015.

By order and in the name of the Governor of Goa.

Dr. Prakash Vazrikar, Director & ex officio Joint Secretary (Official Language).

Panaji, 25th November, 2015.

Order

No. 1/40/2015/DOL/Work Alloc (Part)/1117

Shri Anil H. Sawant, Assistant Director (Konkani) shall hold additional charge of the post of Assistant Director (Marathi) and Marathi

Division in the Directorate of Official Language with immediate effect and until further orders.

This issues with the approval of the Secretary (Official Language) vide U. O. No. 6027/F dated 28-09-2015.

By order and in the name of the Governor of Goa.

Dr. *Prakash Vazrikar*, Director & ex officio Joint Secretary (Official Language).

Panaji, 25th November, 2015.

Department of Personnel

Order

No. 6/16/2012-PER(PF)/3854

On recommendations of the Goa Services Board and with approval of the Government, Shri T. V. Suryakumar, Administrator of Comunidade, South is transferred and posted as Under Secretary in the Office of Minister for Forest, Panchayat & Environment with immediate effect and in public interest.

Consequently, Shri Pravin M. S. Barad, Deputy Collector (LA), South shall hold charge of the post of Administrator of Comunidade, South in addition to his own duties, until further orders.

The posting of Shri Suryakumar shall be on deputation and shall be governed by the standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-2-1999 and as amended.

The above officers shall complete the process of handing over/taking over within 03 days from the date of issue of order and submit compliance.

By order and in the name of the Governor of Goa.

Meghana S. Shetgaonkar, Under Secretary (Personnel-I).

Porvorim, 24th November, 2015.

Notification

No. 7/30/2014-PER/3857

The Governor of Goa is pleased to order the allocation of work/Departments amongst the

Secretaries to the Government as follows with immediate effect, until further orders:-

Sr. No.	Name & Designation	Department allotted
1	2	3
1.	Shri R. K. Srivastava, IAS (1984) Chief Secretary and ex officio Chief Vigilance Officer (In-charge)/Principal Secretary (Forests)	1. Home. 2. Vigilance. 3. Chief Vigilance Officer. 4. Personnel. 5. A.R.D. 1. Forest. 2. Environment. 3. Revenue. 4. Town & Country Planning. 5. Tourism. 6. Information Technology. 7. P. W. D. 8. Transport. 9. Water Resources.
2.	Dr. Sharat Chauhan, IAS (1994) Commissioner & Secretary to Chief Minister	1. Secretary to Chief Minister. 2. Finance. 3. Health. 4. Planning, Statistics & Evaluation.
3.	Shri P. Mathew Samuel, IAS (2001) Secretary (Sports)	1. Sports & Youth Affairs. 2. Panchayati Raj. 3. Rural Development. 4. Director General, GIPARD. 5. Tribal Welfare. 6. Managing Director, Goa State ST Finance & Development Corporation. 7. Art & Culture.
4.	Smt. Padma Jaiswal, IAS (2003) Secretary (Social Welfare)	1. Social Welfare. 2. Co-operation. 3. Science & Technology. 4. Museums. 5. Official Language.
5.	Shri Amjad Tak, IAS (2005) Secretary (Agriculture)	1. Agriculture. 2. Animal Husbandry & Veterinary Services. 3. Ports & River Navigation. 4. Protocol. 5. Mines & Geology.

1	2	3
6. Shri Kunal, IAS (2005) Secretary (Power)		1. Power. 2. Non Conventional Energy. 3. Labour & Employ- ment. 4. NRI Affairs. 5. Fisheries. 6. Civil Aviation.
7. Shri Manoj K. Sahoo, IAS (2006) Secretary (Industries, Trade & Commerce)		1. Industries, Trade & Commerce. 2. Handicrafts, Textiles & Coir. 3. General Administra- tion Department. 4. Housing.
8. Ms. Shilpa Shinde, IAS (2006) Secretary to Governor		1. Secretary to Governor. 2. Secretary, Goa State Commission for Protection of Child Rights. 3. Secretary/Director (Information Technology).
9. Shri Virendra Kumar, IAS Secretary (Education)		1. Education. 2. Craftsmen Training. 3. Archives. 4. Archeology. 5. Institute of Public Assistance & Providoria.
10. Shri Sudhir Mahajan, IAS Secretary (Urban Development)		1. Urban Development. 2. Women & Child Development. 3. Law, Judiciary & Legislative Affairs. 4. Information & Publicity.
11. Shri B. R. Singh, IAS Secretary (Civil Supplies & Consumer Affairs)		1. Civil Supplies & Consumer Affairs. 2. Factories & Boilers. 3. Printing & Stationery. 4. Gazetteer. 5. Legal Metrology. 6. Public Grievances.

This issues in supersession of earlier all Notifications issued in this regard.

By order and in the name of the Governor
of Goa.

Meghana Shetgaonkar, Under Secretary
(Personnel-I).

Porvorim, 25th November, 2015.

Department of Planning

Directorate of Planning, Statistics and Evaluation

Notification

No. DPSE/I/ADMN/RIA/2015/4649

In supersession to this Directorate's Notification No. DPSE/I/ADMN/RIA/07/1156 dated 14-10-2008, Dr. Y. Durga Prasad, Jt. Director of this Directorate has been designated as the Public Information Officer for this Directorate and office of the Chief Registrar of Births and Deaths, Porvorim.

Anand Sherkhane IES, Director.

Porvorim, 25th November, 2015.

Department of Public Health

Order

No. 35/8/2004-I/PHD (Part file)/2011

Government of Goa is pleased to constitute "District Family Planning Indemnity Sub-Committee for South Goa" from within the District Quality Assurance Committee for South Goa which would process claims received from the clients and complaints/claims lodged against the surgeons and accredited facilities, as per procedure and time frame laid down in the manual on 'Family Planning Indemnity Scheme 2013'. The committee shall comprise of the following members:

- | | |
|--|-----------|
| 1. Collector, South Goa District | Chairman. |
| 2. Medical Superintendent-cum-
-Dy. Director, Hospicio Hospital,
Margao | Convener. |
| 3. Senior Gynaecologist,
Hospicio Hospital, Margao | Member. |
| 4. Senior Surgeon, Hospicio
Hospital, Margao | Member. |
| 5. Health Officer, Community
Health Centre, Curchorem/
/Primary Health Centre,
Cortalim | Member. |

The terms of reference for District Family Planning Indemnity Sub-Committee for South Goa as under:

- Dissemination of Quality Assurance policy and guidelines to all stakeholders.
- Ensuring Standards for Quality of Care.

3. Review, report and process compensation claims for onward submission to the SQAC under National Family Planning Indemnity Scheme.
4. In case a facility reports a sterilization related death, the Convener of the DQAC should inform the Convener of the SQAC within 24 hours.
5. Monitoring QA efforts in the District.
6. Periodic review of the progress of QA activities—quarterly review meetings.
7. Supporting quality improvement process.
8. Co-ordination with the State.
9. Reporting.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 6th October, 2015.

Order

No. 4/20/2002-II/PHD/PF/1749

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/30(1)/99/1257 dated 05-11-2015, Government is pleased to promote Dr. Sudeep R. Lokapure, Assistant Lecturer in Biochemistry to the post of Lecturer in the Department of Biochemistry in Goa Medical College and Hospital, Bambolim on regular basis in the Pay Band—3, Rs. 15,600-39,100 with Grade Pay of Rs. 6,600/- and other allowances to be fixed as per rules with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. Carlos Noel Menezes to the post of Assistant Professor in the Department of Biochemistry in Goa Medical College vide Order No. 4/20/2002-II/PHD/PF dated 20-11-2015.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).
Porvorim, 20th November, 2015.

Order

No. 4/20/2002-II/PHD/PF/1750

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/30(4)/96/1255 dated 05-11-2015,

Government is pleased to promote Dr. Carlos Noel Menezes, Lecturer in Biochemistry to the post of Assistant Professor in the Department of Biochemistry in Goa Medical College and Hospital, Bambolim on regular basis in the Pay Band—3, Rs. 15,600-39,100 with Grade Pay of Rs. 6,600/- and other allowances to be fixed as per rules with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. Manisha Audi to the post of Associate Professor in the Department of Biochemistry in Goa Medical College vide Order No. 4/20/2002-II/PHD/PF dated 20-11-2015.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).
Porvorim, 20th November, 2015.

Order

No. 4/20/2002-II/PHD/PF/1751

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/30(1)/99/1256 dated 05-11-2015, Government is pleased to promote Dr. Manisha Audi, Assistant Professor in Biochemistry to the post of Associate Professor in the Department of Biochemistry in Goa Medical College and Hospital, Bambolim on regular basis in the Pay Band—3, Rs. 15,600-39,100 with Grade Pay of Rs. 6,600/- and other allowances to be fixed as per rules with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. (Mrs.) Chitra Y. Dhume to the post of Professor in the Department of Biochemistry in Goa Medical College vide Order No. 4/20/2002-II/PHD/PF dated 30-01-2013.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).
Porvorim, 20th November, 2015.

Order

No. 4/19/2002-II/PHD/Part-I/1767

Read: Memorandum No. 4/19/2002-II/PHD/Part 1 dated 02-11-2015.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(9)/2011/1223 dated 09-10-2015, Government is pleased to appoint Dr. Akshaya

Ratnakar Valvaikar to the post of Assistant Lecturer in Anaesthesiology (ICU) in the Department of Anaesthesiology in Goa Medical College & Hospital, Bambolim-Goa on temporary basis in the Pay Band—3, Rs. 15,600-39,100 + Grade Pay of Rs. 5,400/- with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Akshaya Ratnakar Valvaikar shall be on probation for a period of two years.

Dr. Akshaya Ratnakar Valvaikar has been declared medically fit by the Medical Board.

The appointment is made subject to the verification of her character and antecedents. In the event of any adverse remarks noticed by the Government on verification of her character and antecedents, her services shall be terminated.

The appointment is made against the vacancy occurred due to resignation tendered by Dr. Gaurish T. Ganjekar, Assistant Lecturer in Anaesthesiology (ICU) vide order No. 2/10/2014-II/PHD dated 11-05-2015.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 24th November, 2015.



Department of Urban Development

Notification

No. 1/318/UDA/SC/M/o.(UD)/2014-15/2220

In supersession of the earlier Notification on constitution of SLHPC No. 1/318/UDA/SC/M/o (UD)/2014-15/1051 dated 10-7-2015, the composition of the State Level High Powered Committee (SLHPC) is hereby revised in terms of the guidelines received from the Ministry of Urban Development.

The official members of SLHPC for Smart City is as under:-

- | | | |
|----------------------------------|---|-----------|
| 1. The Chief Secretary | — | Chairman. |
| 2. The Pr. Secretary, Finance | — | Member. |
| 3. The Pr. Secy. Planning | — | Member. |
| 4. The Pr. Secy/Director of TCPD | — | Member. |
| 5. Rep. from M/o (UD) | — | Member. |
| 6. CEO of the SPV | — | Member. |

- | | | |
|--------------------------------------|---|-------------------|
| 7. Mayor/Commissioner-CCP | — | Member. |
| 8. The Director of Urban Development | — | Member. |
| 9. The Principal Chief Engineer | — | Member. |
| 10. The Pr. Secy (UD) | — | Member Secretary. |

The key responsibilities of the SLHPC are given below:

- Provide guidelines to the Mission Cities and provide State Level Platform for exchange of ideas pertaining to development of Smart Cities.
- Review the project submitted by implementing agency and send to the MoUD for participation in the challenge.

By order and in the name of the Governor of Goa.

Elvis Gomes, Director & ex officio Addl. Secretary (Urban Development).

Panaji, 24th November, 2015.

Notification

No. 1/318/UDA/SC/M/o.(UD)/2014-15/2221

In supersession of the earlier Notification on constitution of SLHPC No. 1/318/UDA/SC/M/o (UD)/2014-15/1051 dated 10-7-2015, the State Level High Powered Committee (SLHPC) is hereby revised in terms of the guidelines received from the Ministry of Urban Development.

The composition of SLHPC for AMRUT is as under:-

- | | | |
|------------------------------------|---|-------------------|
| 1. The Chief Secretary | — | Chairman. |
| 2. The Pr. Secretary, PWD | — | Member. |
| 3. The Pr. Secy., Finance | — | Member. |
| 4. The Pr. Secy., Housing | — | Member. |
| 5. Pr. Secy., Environment & Forest | — | Member. |
| 6. Rep. from M/o (UD) | — | Member. |
| 7. Mission Director | — | Member. |
| 8. Pr. Secy (UD) | — | Member Secretary. |

The key responsibility of the State Level High Powered Committee for AMRUT Mission is as given below:

- Identify the gaps in infrastructure based on SLB's need for individual and institutional

- capacity building, ways and means to achieve urban reforms, finalization of the financial outlays, etc. of the Mission Cities/Towns.
- ii. Prepare the SAAP based on the SLIPs of the ULB's of the State prioritizing cities and projects based on available resources each year, as prescribed in the Mission Statement and Guidelines.
 - iii. Approve the projects after they are technically appraised and sanctioned by the State Level Technical Committee (SLTC). All project approvals shall be accorded by the State HPSC provided these projects are included in the approved SAAP. No project shall be referred to the MoUD for sanction. In the entire project approval, procurement and execution process, the State HPSC shall ensure that all the provisions of State Financial Rules are followed.
 - iv. Plan the fund flow in short, medium as well as long term. Explore innovative ways for resource mobilization, private financing and land leveraging for funding of projects.
 - v. Fix the State and ULB share of contribution towards the projects in addition to the Central Government Grant as per AMRUT Guidelines.
 - vi. Look into complaints of poor quality, lack of supervision and other violations. Monitor the quality of work and reports of appraisal by third party assessors. And others and take action at their end.
 - vii. Recommend proposals for release of installment of funds for on-going projects to the National Mission Directorate.
 - viii. Follow-up action to establish a Financial Intermediary, allocate and release the Central and State share of funds in time for execution of projects.
 - ix. Recommend a road map and milestones for implementation of Reforms in the State/ULBs for approval of the Apex Committee. Review the progress of committed Urban Reforms at the State and ULB level.
 - x. Monitor the progress of implementation of the Mission, including projects implementation in ULBs.
 - xi. Monitor outcome and O & M arrangements of projects sanctioned and completed under the Mission.
 - xii. Periodically, review the progress of capacity building and training activities.
 - xiii. Organize timely audit of the funds released and review the Action Taken Reports on various Audit reports relating to the earlier Mission and the new Mission and on other reports including that of third party, Project Development and Management Consultants and the elected representatives of the ULBs.
 - xiv. Bring about inter-organisation co-ordination and collaboration for better planning and implementation of the Mission Programme.
 - xv. Any other matter relevant for the efficient implementation of the Mission or referred by the National Mission Directorate.
 - xvi. Monitor the legal issues/cases in courts, if any.
- By order and in the name of the Governor of Goa.
- Elvis Gomes*, Director & ex officio Addl. Secretary (Urban Development).
- Panaji, 24th November, 2015.

Notification

No. 1/318/UDA/SC/M/o.(UD)/2014-15/2222

The Ministry of Urban Development Government of India, has launched the flagship programme of Atal Mission for Rejuvenation and Urban Transformation (AMRUT) which focuses on improvement in service delivery, mobilization of resources and making municipal functioning more transparent and functionaries more accountable, and lead to timely completion of projects.

And whereas as per the guidelines received from the Ministry of Urban Development, the State Government is pleased to constitute State Level Technical Committee (SLTC) for AMRUT.

The composition of State Level Technical Committee (SLTC) for AMRUT is as under:

1. The Pr. Secy (UD)/Secretary — Chairman.
(UD)
2. The Chief Engineer, Water Resources Department — Member.
3. The Director, Land Records & Settlement — Member.
4. The Chief Town Planner, Town & Country Planning Department — Member.

5. The Managing Director–Goa Rehabilitation Board — Member.
6. The Chief Electrical Engineer, Electricity Department — Member.
7. Representative of CPHEEO, MoUD — Member.
8. The Joint Secy., Finance Department — Member.
9. Mission Director–AMRUT — Member.
10. Technical Head (e.g. Engineer-in-Chief) Urban Water Supply & Sewerage Board — Member Secretary.
11. For transport projects–Road Transport Corporation MD/ED

The key responsibilities of the State Level High Powered Committee (SLHPC) for AMRUT are given below:

- i. Approve the Technical parameters such as scope, objectives and final deliverables of the Project, Internal Bench Mark (IBM)/deciding basic parameters/approval of bid documents/evaluation criteria and payment schedule. For this purpose, the SLTC shall take into consideration manuals, guidelines and advisories issued by MoUD in the relevant sector and ensure compliance in the DPR.

- ii. Incorporate resilience and secure projects against disasters and ensure that disaster-secure engineering and structural norms are included in the design.
- iii. While giving technical sanction, the SLTC will make sure that contingencies or cost escalation are not included in the estimates and all technical and financial norms of the JNNURM are followed in estimate preparation, technical sanction of projects tenders acceptance, extension etc.
- iv. While giving technical sanctions, the SLTC shall also examine the Internal Rate of Return (IRR) both FIRR and EIRR, and Recurring Cost of Capital Expenditure (RCCE).
- v. Approve the tenders.
- vi. Take corrective action on the reports of IRMA and other quality control reports.
- vii. Analyse the Project Funds Request Report and take corrective action to ensure timely completion of projects without any escalation in costs.
- viii. Appoint PDMCs.

By order and in the name of the Governor of Goa.

Elvis Gomes, Director & ex officio Addl. Secretary (Urban Development).

Panaji, 24th November, 2015.

www.goaprintingpress.gov.in

Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE–Rs. 18.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA-265/350-12/2015.